



74/104891

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October 9, 1990

TELEPHONE: (203) 255-8900  
CABLE ADDRESS: PATENTLAW  
TELEX NO.: 965874  
TELECOMPER: (203) 259-2846

Case No.: ZEI-145

Commissioner of Patents and Trademarks  
Trademark Examining Operation  
Washington, D.C. 20231

Sir:

We enclose herewith the following:

1. Application papers of:

Brooklyn Bottling Corporation

for the trademark:

**TROPICAL FANTASY**

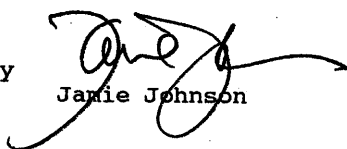
2. One drawing showing the mark sought to be registered.
3. Three (3) specimens showing the mark as actually used in International Class 32.
4. Our check in the amount of \$175.00 to cover the statutory filing fee for one class.

Please charge any additional fee or credit overpayment to Deposit Account No. 11-0231. A copy of this cover letter is enclosed for your convenience.

Yours very truly,

KRAMER, BRUFISKY & CIFELLI, P.C.

By

  
Jamie Johnson

JJ:nh  
Enclosures

**Ecuabeverage Statement of Material Facts – Exhibit 8**

ZEI-145 *1/3*

*115.00 301 TM*

*74/104891*



THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPLICATION FOR TRADEMARK REGISTRATION

Mark: TROPICAL FANTASY

Class: 32 (U.S. 45)

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

/BROOKLYN BOTTLING CORPORATION/  
a corporation organized under the laws of  
New York State

/458 Cozine Avenue  
Brooklyn, NY 11208

*AA*

The above-identified applicant has adopted and is using the  
trademark shown in the accompanying drawing for:

*GS*  
*[032]*

[soft drinks]

and requests that said mark be registered in the United States  
Patent and Trademark Office on the Principal Register established  
by the Act of July 5, 1946.

The trademark was first used in connection with such goods  
in April of 1988 ; was first used in interstate commerce  
in April of 1988 ; and is now in use in such commerce.

The trademark is used by applying it directly to container  
for the goods. Three specimens showing the mark as actually used  
are presented herewith.

*Insert A*

*A1*

Applicant hereby appoints [Barry Kramer] Reg. No. 20,622 and  
Allen D. Brufsky, Reg. No. 21,056; members of the Bar of the  
State of Connecticut; Jamie Johnson, a member of the Bar of the  
State of New York; and Julia D. Hart, Reg. No. 33,131, a member  
of the Bar of the States of Connecticut and Illinois; all whose  
post office address is (KRAMER, BRUFISKY & CIFEELLI, P.C. & P.O. Box

*CA*

59, Southport, Connecticut 06490,] to prosecute the application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration.

DECLARATION

Eric S. Miller declares: that he is President of applicant corporation and is authorized to execute this application on behalf of said corporation; that he believes said corporation to be the owner of the trademark sought to be registered; that to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in identical form or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; that the facts set forth in this application are true; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

BROOKLYN BOTTLING CORPORATION

By Eric S. Miller  
Eric S. Miller  
President

Date: September 19, 1990

INT. CL.	32
PRIOR US CL.	45



74/104891

DRAWING

APPLICANT:

Brooklyn Bottling Corporation

ADDRESS:

458 Cozine Avenue  
Brooklyn, New York 11208

FIRST USE:

At least as early as April, 1988

IN COMMERCE:

At least as early as April, 1988

GOODS:

SOFT DRINKS  
IN INTERNATIONAL CLASS 32 (U.S. CL. 45)

TROPICAL FANTASY

PUBLISHED  
MAR 21 1993

ATTORNEY:

Jamie Johnson

ADDRESS:

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